

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SHELL TRADEMARK MANAGEMENT B.V. §
and SHELL OIL COMPANY, §

Plaintiffs, §
§

vs. §

WARREN UNILUBE, INC. AND §
WARREN OIL COMPANY, INC., §

Defendants. §
§

CIVIL ACTION NO. 4:09-CV-2851

DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7.1, Defendants Warren Unilube, Inc. and Warren Oil Company, Inc. (collectively, “Warren”) hereby move for summary judgment on all of Plaintiffs’ claims asserted against them in the First Amended Complaint on the grounds that there is no genuine issue as to any material fact and Warren is entitled to judgment as a matter of law. The grounds for this Motion are set forth more fully in the Memorandum of Law in Support of Defendants’ Motion for Summary Judgment, filed contemporaneously herewith. This Motion is supported by the following Exhibits and all other parts of the record competent to support summary judgment.

EXHIBITS

Exhibits and Deposition Excerpts:

Exhibit A.....	A-31
Exhibit B	A-32
Exhibit C	A-33
Exhibit D.....	A-36

Plaintiffs’ Deposition Exhibits

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*Defendants' Deposition Exhibits **85, 91, 92, 106, and 113** are empty containers of Lubriguard and Rotella® and are being submitted to the Court with the submission of the Court's courtesy copy of the Memorandum in Support of Defendants' Motion for Summary Judgment

Deposition Excerpts

W. Edward Baker.....	A-727
Larry Coats.....	A-731
Judy Donovan	A-748
Luis Guimaraes	A-761
Patty Lanning.....	A-773
Michelle Liu.....	A-794
William Mann	A-799
Omar Ochoa	A-805
Mark Reed.....	A-814
Larry Sanderson	A-830
Todd Schoettelkotte	A-848
Donald Sweat	A-852
Irvin Warren.....	A-861
Dale Wells.....	A-870

WHEREFORE, Warren respectfully move this Court to grant Defendants' Motion for Summary Judgment and to dismiss Plaintiffs' claims asserted against Warren in the First Amended Complaint in their entirety with prejudice.

Respectfully submitted, this the 18th day of November, 2010.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following:

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